

ORDINANCE NO. 3464

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF AMENDING ARTICLE I, ADMINISTRATION AND PROCEDURES, ADDING SECTION 1.1500, COLLABORATIVE CITY AND SCHOOL PLANNING, AS PROVIDED IN CASE NO. 4-TA-02.

WHEREAS, the Council of the City of Scottsdale wishes to amend certain provisions in the zoning ordinance of the City of Scottsdale for the purpose of working with school districts to assure adequate school facilities;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Arizona, as follows:

Section 1. That the Zoning Ordinance of the City of Scottsdale, is amended by amending Article I, Administration and Procedures, to add Section 1.1500, Collaborative City and School Planning, as follows:

Article I. Administration and Procedures.

SEC. 1.1500 COLLABORATIVE CITY AND SCHOOL PLANNING.

SEC. 1.1501. APPLICABILITY.

THE PROVISIONS OF THIS SECTION SHALL APPLY ONLY TO APPLICATIONS FOR RESIDENTIAL REZONING WHICH WILL INCREASE THE PROJECTED NUMBER OF STUDENTS FOR ANY SCHOOL DISTRICT'S SCHOOL ATTENDANCE AREA AS A RESULT OF THE PROPOSED REZONING. THE APPLICABILITY OF THIS SECTION INCLUDES REQUESTS FOR REZONING WHICH CHANGE ZONING CLASSIFICATIONS FROM NON-RESIDENTIAL TO RESIDENTIAL CLASSIFICATIONS AND/OR CHANGES IN RESIDENTIAL ZONING CLASSIFICATIONS OR AMENDED STIPULATIONS THAT RESULT IN GREATER RESIDENTIAL DENSITIES, THEREBY INCREASING THE NUMBER OF POTENTIAL STUDENTS. A SCHOOL DISTRICT'S ATTENDANCE AREAS SHALL BE THE BOUNDARIES ADOPTED BY THE APPLICABLE SCHOOL DISTRICT.

SEC. 1.1502. DETERMINATION BY APPLICABLE SCHOOL DISTRICTS.

A. NO REZONING APPLICATION SHALL BE CONSIDERED COMPLETE UNDER SECTION 1.305 UNTIL EITHER: 1) THE SCHOOL DISTRICT PROVIDES A LETTER WHICH DETERMINES THAT ANY OF THE FOLLOWING CONDITIONS APPLY; OR 2) THE TIME PERIOD FOR THE SCHOOL DISTRICT'S RESPONSE TO A REQUEST FOR DETERMINATION HAS EXPIRED AS SPECIFIED UNDER SECTION 1.1503 BELOW:

- 1. THAT THE SCHOOL DISTRICT HAS ADEQUATE SCHOOL FACILITIES TO ACCOMMODATE THE PROJECTED NUMBER OF ADDITIONAL STUDENTS**

GENERATED BY THE PROPOSED REZONING WITHIN THE SCHOOL DISTRICT'S ATTENDANCE AREA; OR THAT THE SCHOOL DISTRICT WILL HAVE ADEQUATE SCHOOL FACILITIES BY A PLANNED CAPITAL IMPROVEMENT TO BE CONSTRUCTED WITHIN ONE (1) YEAR OF THE DATE OF NOTIFICATION OF THE DISTRICT AND LOCATED WITHIN THE SCHOOL DISTRICT'S ATTENDANCE AREA; OR

- 2. THAT THE SCHOOL DISTRICT HAS DETERMINED AN EXISTING OR PROPOSED CHARTER SCHOOL, ESTABLISHED BY CONTRACT WITH THE DISTRICT, CAN PROVIDE ADEQUATE SCHOOL FACILITIES FOR THE PROJECTED INCREASE IN STUDENTS; OR**
 - 3. THAT THE APPLICANT AND THE SCHOOL DISTRICT HAVE ENTERED INTO AN AGREEMENT TO PROVIDE, OR HELP TO PROVIDE, ADEQUATE SCHOOL FACILITIES WITHIN THE SCHOOL DISTRICT'S ATTENDANCE AREA IN A TIMELY MANNER; OR**
 - 4. THAT THE SCHOOL DISTRICT DOES NOT HAVE ADEQUATE SCHOOL FACILITIES TO ACCOMMODATE PROJECTED GROWTH ATTRIBUTABLE TO THE REZONING.**
- B. THE PROJECTED NUMBER OF NEW STUDENTS RESULTING FROM THE APPLICATION FOR REZONING SHALL BE BASED UPON A STUDENT-~~PER~~-HOUSEHOLD RATIO METHODOLOGY APPROVED AND PUBLISHED BY THE APPROPRIATE SCHOOL DISTRICT. IF A SCHOOL DISTRICT FAILS TO ESTABLISH A STUDENT PER-HOUSEHOLD RATIO METHODOLOGY FOR PROJECTING THE NUMBER OF NEW STUDENTS RESULTING FROM AN APPLICANT'S REZONING APPLICATION, THEN THE SCHOOL DISTRICT SHALL BASE ITS CERTIFICATION UPON AN AUTHORITATIVE SOURCE ACCEPTED WITHIN THE EDUCATION COMMUNITY AND BASED UPON THE MOST RECENT PUBLISHED CENSUS INFORMATION.**
- C. FOR PURPOSES OF THIS SECTION, ADEQUATE SCHOOL FACILITIES SHALL BE DETERMINED BY THE APPROPRIATE SCHOOL DISTRICT BASED UPON THE CURRENT OR BUDGETED PHYSICAL CAPACITY FOR EACH INDIVIDUAL SCHOOL OR IN ACCORDANCE WITH THE MINIMUM SCHOOL FACILITY ADEQUACY GUIDELINES ADOPTED BY THE SCHOOL FACILITIES BOARD PURSUANT TO A.R.S. SEC. 15-2011, AND ANY SUBSEQUENT AMENDMENTS MADE THERETO, AS APPLIED TO EACH INDIVIDUAL SCHOOL SITE'S ATTENDANCE AREA FOR EACH INDIVIDUAL SCHOOL SERVING THE PROPERTY BEING CONSIDERED FOR REZONING.**
- D. IN THE EVENT THE CITY DOES NOT RECEIVE CERTIFICATION FROM THE SCHOOL DISTRICT WITHIN FIVE (5) DAYS OF THE DATE OF THE APPLICATION FOR REZONING, OR ANY EXTENSION THEREOF, THE APPLICATION SHALL PROCEED ON THE BASIS OF NO FINDING ON THE ADEQUACY OF SCHOOL FACILITIES FOR THE PROPOSED REZONING. SCHOOL DISTRICT INPUT THEREAFTER MAY BE SOUGHT BY THE CITY ON THE ISSUE FOR CONSIDERATION BY THE PLANNING COMMISSION AND CITY COUNCIL IN MAKING A DECISION ON THE REZONING APPLICATION.**

- E. IN THE EVENT THAT THE APPROPRIATE SCHOOL DISTRICT DETERMINES THAT THERE ARE NOT ADEQUATE SCHOOL FACILITIES FOR THE PROPOSED REZONING, THE SCHOOL DISTRICT SHALL NOTIFY THE APPLICANT AND THE CITY OF SCOTTSDALE IN WRITING THAT THE SCHOOL DISTRICT HAS DETERMINED THAT IT DOES NOT HAVE ADEQUATE SCHOOL FACILITIES FOR THE REZONING.

SEC. 1.1503. PROCESSING OF APPLICATIONS FOR REZONING.

APPLICATIONS FOR REZONING SUBJECT TO THIS SECTION SHALL FOLLOW THE FOLLOWING PROCEDURES:

- A. THE APPLICANT FOR A REZONING CASE SUBJECT TO THIS SECTION SHALL FOLLOW THE PROCEDURES AND USE THE FORMS ESTABLISHED BY THE CITY OF SCOTTSDALE FOR THE PURPOSES OF THIS SECTION.
- B. THE APPLICANT SHALL DELIVER THE LETTER REQUIRED BY SECTION 1.1502, BY REGISTERED MAIL, TO THE SUPERINTENDENT(S) OF ALL APPLICABLE SCHOOL DISTRICTS, AT LEAST THIRTY (30) DAYS PRIOR TO FILING AN APPLICATION FOR REZONING WITH THE CITY OF SCOTTSDALE.
- C. THE APPLICANT SHALL INCLUDE AS PART OF IT'S REZONING APPLICATION A COPY OF THE LETTER REQUIRED BY SECTION 1.1502.
- D. FOR GOOD CAUSE, THE THIRTY (30) DAY REVIEW, DISCUSSION AND RESPONSE TIME PERIOD OF SUBSECTION B, ABOVE, MAY BE EXTENDED FOR AN ADDITIONAL THIRTY (30) DAYS AT THE REQUEST OF THE APPLICANT OR THE SCHOOL DISTRICT, SUBJECT TO APPROVAL BY THE CITY OF SCOTTSDALE PLANNING AND DEVELOPMENT SERVICES GENERAL MANAGER OR DESIGNEE.
- E. AFTER PROVIDING THE CERTIFICATION REQUIRED BY SUBSECTION B, OR THE SCHOOL DISTRICT'S FAILURE TO RESPOND TO THE REQUEST FOR CERTIFICATION WITHIN THIRTY (30) DAYS, OR ANY EXTENSION THEREOF, THE APPLICATION SHALL PROCEED TO BE PROCESSED IN ACCORDANCE WITH SECTIONS 1.600, 1.700 ET SEQ. OF THE ZONING ORDINANCE AND ALL OTHER APPLICABLE ORDINANCES.

SEC. 1.1504. NO ASSURANCE OF SCHOOL ATTENDANCE BOUNDARIES.

THIS EVALUATION OF PROJECTED STUDENT ATTENDANCE INCREASE IN NO WAY COMMITS A SCHOOL DISTRICT TO INCLUDING ANY STUDENTS COMING FROM THE SUBJECT PROPERTY TO BE OR REMAIN WITHIN THE CURRENT ATTENDANCE BOUNDARY EITHER AT THE TIME THE PROPOSED RESIDENCES ARE COMPLETED OR AT ANY TIME IN THE FUTURE.

SEC. 1.1505. DEFINITIONS OF TERMS.

SCHOOL DISTRICT SHALL MEAN A GOVERNMENTAL ENTITY FORMED UNDER STATE LAW IN ORDER TO PROVIDE PUBLIC EDUCATION FOR SPECIFIC AREAS. IN THE CITY OF SCOTTSDALE

THIS INCLUDES THE SCOTTSDALE UNIFIED DISTRICT, PARADISE VALLEY UNIFIED DISTRICT, CAVE CREEK UNIFIED DISTRICT, FOUNTAIN HILLS UNIFIED DISTRICT, BALSZ ELEMENTARY DISTRICT AND PHOENIX UNION HIGH SCHOOL DISTRICT.

SCHOOL FACILITIES BOARD IS A GOVERNMENT AGENCY CREATED BY THE STATE IN ORDER TO DISBURSE STATE FUNDING FOR THE CONSTRUCTION OF SCHOOL FACILITIES.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Council of the City of Scottsdale this ____ day of September, 2002.

ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____
Sonia Robertson
City Clerk

By: _____
Mary Manross
Mayor

APPROVED AS TO FORM:

By: _____
David A. Pennartz
City Attorney